

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 16,557  
 )  
Appeal of )

## INTRODUCTION

The petitioner appeals the determination by the Department of Prevention, Assistance Transition and Health Access (formerly the Department of Social Welfare) that he is only eligible for \$10 a month in Food Stamps. The issue is whether the Department correctly calculated the petitioner's Food Stamps in light of his income and allowable deductions.

## FINDINGS OF FACT

1. The petitioner applied for Food Stamps in June 2000. At the time he reported that he lived alone and had monthly income of \$749 from a VA pension.
2. He lives in a rented room for which he is charged \$400 a month, including utilities.
3. Based on this information the Department found him eligible for \$10 a month in Food Stamps.
4. At the hearing, held on July 27, 2000, the petitioner reported that his VA pension had recently been reduced to \$717 a month because of a deduction made for child support. The Department recalculated his grant based on this

information, but determined that the petitioner was still eligible for only \$10 a month in Food Stamps.

ORDER

The Department's decision is affirmed.

REASONS

Under the Food Stamp Regulations the amount of a household's monthly allotment is determined according to household income minus any applicable deductions. FSM § 273.9 et seq. All single person households are entitled to a standard deduction of \$134. FSM § 273.9d(1) and Procedures Manual P-2590-A. The only other deduction applicable to the petitioner's situation is the household shelter deduction. This is determined by the amount by which the household's shelter costs (rent and utilities) exceed 50 percent of the household's income after all other deductions have been made. FSM § 273.9d(5).

In the petitioner's case, the standard deduction lowers his countable income to \$583 (\$717 minus \$134). The petitioner's room rent of \$400 exceeds 50 percent of \$583 by \$108.50. When this amount is deducted from his countable income of \$583, his net income is \$474.50. His Food Stamps of \$10 a month (which is the minimum payable under the program) is based on a single person household with \$474.50 net income. Procedures P-2590 C.

Although the petitioner also has expenses for things like his car, satellite TV, and a prescribed diet that emphasizes fresh fruits and vegetables, none of these items constitutes an allowable deduction from income under the regulations.

Inasmuch as the Department's decision is in accord with the pertinent regulations the Board is bound by law to affirm. 3  
V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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